

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

MICHAEL PUGLISI, FAINA MILLER,
KATHLEEN HURST, SADIA SYED, and
CLAYTON MILLS, on behalf of themselves and
all others similarly situated,

Plaintiffs,

-against-

TD Bank, N.A.,

Defendant.

No. 13 Civ. 637 (GRB)

**NOTICE OF PLAINTIFFS' MOTION FOR CERTIFICATION OF THE
SETTLEMENT CLASS, FINAL APPROVAL OF THE CLASS ACTION
SETTLEMENT, AND APPROVAL OF THE FLSA SETTLEMENT**

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for Certification of the Settlement Class, Final Approval of the Class Action Settlement, and Approval of FLSA Settlement ("Plaintiffs' Motion for Final Approval"), in the Declaration of Justin M. Swartz in Support of Plaintiffs' Motion for Certification of the Settlement Class, Final Approval of Class Action Settlement, and Approval of the FLSA Settlement, Motion for Approval of Attorneys' Fees and Reimbursement of Expenses, and Motion for Approval of Service Awards ("Swartz Decl.") and the supporting exhibits attached thereto; the Declaration of Gregg I. Shavitz in Support of Plaintiffs' Motion for Approval of Attorneys' Fees; the Declaration of Troy L. Kessler in Support of Plaintiffs' Motion for Final Approval of the Class Action Settlement, Approval of Class Representative Service Awards and Class Counsels' Attorney's Fees; and the Declaration of Peter Winebrake, Plaintiffs respectfully request that the Court enter an Order:

- (1) finally certifying the Rule 23 Class as defined in the Joint Stipulation of Settlement and Release (“Settlement Agreement”), attached as Exhibit A to the Swartz Declaration;
- (2) granting final approval of the Settlement Agreement, attached as Exhibit A to the Swartz Declaration;
- (3) granting final approval of the FLSA Settlement; and
- (4) granting any other relief that the Court deems just and proper.

* * *

Plaintiffs submit a Proposed Order, attached hereto as **Exhibit A**, for the Court’s convenience.

Dated: July 15, 2015
New York, New York

Respectfully submitted,
OUTTEN & GOLDEN LLP

/s/ Justin M. Swartz
Justin M. Swartz
Deirdre Aaron
3 Park Avenue, 29th Floor
New York, New York 10016
Telephone: (212) 245-1000

SHAVITZ LAW GROUP, P.A.
Gregg I. Shavitz (admitted *pro hac vice*)
Susan H. Stern (admitted *pro hac vice*)
Keith M. Stern (admitted *pro hac vice*)
1515 S. Federal Highway, Suite 404
Boca Raton, Florida 33432
Telephone: (561) 447-8888

SHULMAN KESSLER LLP
Troy L. Kessler
Marijana F. Matura
534 Broadhollow Road, Suite 275
Melville, New York 11747
Telephone: (631) 499-9100

WINEBRAKE & SANTILLO, LLC

Peter Winebrake
Twining Office Center
Suite 211
715 Twining Road
Dresher, Pennsylvania 19025
Telephone: (215) 884-2491

Class Counsel